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CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

XIU YING LIU,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 03-74786

Agency No. A76-280-201

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted November 8, 2005^{**}

Before: WALLACE, LEAVY, and BERZON, Circuit Judges

Xiu Ying Liu, a native and citizen of China, petitions for review of the Board of Immigration Appeals' decision denying her motion to reopen removal proceedings pursuant to 8 C.F.R. § 1003.2. The record shows that following entry

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of a final order of removal, Liu was returned to China in May 2000. Accordingly, the Board did not err in concluding that 8 C.F.R. § 1003.2(d) barred the subsequent motion to reopen. *See Singh v. Gonzales*, 412 F.3d 1117, 1121 (9th Cir. 2005) (stating that regulation bars motions to reopen by persons who depart U.S. after removal proceedings have commenced against them).

PETITION DENIED.